IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 77 of 2006

Bhagwan Singh aged about 71 years
S/o Sri Daulati Tamta
R/o Village Devarara
District Chamoli
Presently Talwari Estate
Patwari Circle – Talwari
Tehsil Tharali
District Chamoli ... Plaintiff / Appellant

Vs

1. State of Uttaranchal through
   Collector, Chamoli
2. Gram Panchayat Talwari
   Through Pradhan Gram Panchayat
   Patwari Circle – Talwari
   Tehsil Tharali
   District Chamoli
3. Nodal Officer/Conservator of Forest
   Bhoomi Sangrakshan Nideshalaya
   Indira Forest Colony Uttaranchal
   Dehradun
4. Principal
   Government Degree College
   Talwari Tehsil Tharali
   District Chamoli ... Defendants/ Respondents

Sri Pankaj Purohit, learned counsel for the appellant
Sri S.N. Babulkar learned Senior Advocate assisted by Sri Yogesh Pacholia, learned counsel for the respondents

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the appellant against the judgment and decree dated 24.08.2006 passed by District Judge, Chamoli in Civil Appeal No. 17 of 2005 arising out of the judgment and decree dated 19.09.2005 passed by Civil Judge (Senior Division), Chamoli in Original Suit No. 24 of 2003 Bhawan Singh Vs State of Uttaranchal & others.

2. Brief facts of the case are that the plaintiff/appellant filed a suit before the Civil Judge (Senior Division), Chamoli who dismissed the suit of the appellant vide judgment and decree dated 19.09.2005.

3. Feeling aggrieved by the aforesaid judgment, the plaintiff/appellant preferred an appeal before the first appellate court which was also dismissed vide judgment and decree dated 24.08.2006.

4. Feeling aggrieved by the aforesaid judgments and decree, this second appeal has been preferred by the plaintiff/appellant.

5. Having considered the arguments advanced by the learned counsel for the appellant and after perusal of the evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact which cannot be interfered at the stage of second appeal. I also do not find any substaintial question of law involved in this case.

6. The second appeal lacks merit and is liable to be dismissed.

7. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

27.11.2006
ASWAL